

Science Advisory Process Bay Delta Conservation Plan

1. Introduction and Purpose

The State of California's Natural Community Conservation Plan (NCCP) Act mandates a process for the inclusion of independent scientific input to ensure that each NCCP is informed with best available science. Regional Habitat Conservation Plans (HCP) developed under the federal Endangered Species Act are often guided by similar input. To meet this mandate for the Bay Delta Conservation Plan (BDCP), a group of independent scientists will be convened to identify and evaluate scientific information and provide objective insight and expert opinion pertaining to species, ecological communities, and habitats addressed by the plan. The role of the Science Advisory Group is to establish science-based conservation and natural resource management principles and standards that will be used to guide BDCP preparation.

This document outlines procedures for engaging independent scientific input for the BDCP, consistent with the requirements of the NCCP Act and guidance developed by the California Department of Fish and Game (August, 2002). Topics addressed include:

1. Communication protocols and ground rules for engaging independent scientific input;
2. A workplan for obtaining meaningful scientific input in a timely fashion;
3. Processes for selecting advisors, framing relevant conservation science questions, and developing work products; and
4. Guidelines for avoiding conflicts of interest.

Bruce DiGennaro (The Essex Partnership) and Dr. Wayne Spencer (Conservation Biology Institute) will collectively serve as the Facilitation Team for the BDCP independent science advisory process. This document is based on the Scope of Work adopted by the BDCP Steering Committee on May 4, 2007, the experience of other NCCP science advisory processes, and the NCCPA and guidance noted above.

2. Ground Rules for Engagement and Communication Protocols

The Facilitation Team will act as a neutral intermediary between the Steering Committee and the Science Advisors. In this capacity, the Facilitation Team will work with both the Steering Committee and the Science Advisors (coordinating closely with the Lead Scientist) to facilitate communications and maintain the integrity and independence of the process.

Communication between the Steering Committee and Science Advisers shall be channeled through the Facilitator. Questions from stakeholder groups or the public will be channeled through the Steering Committee to the Facilitator, who will forward appropriate questions to Science Advisors. The Facilitation Team will recommend which questions or other input are appropriate for the advisors to address. If there is not consensus among Steering Committee members based on the recommendations of the Facilitation Team, the Facilitation Team will make a decision in consultation with the Lead Scientist based on the input received and their collective experience.

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The Lead Scientist, other Science Advisors, and the Steering Committee may communicate directly in meetings during the information gathering, field trip, and workshop phases of the science advisory process, and in briefings following submittal of the Science Advisor products to the Steering Committee. Steering Committee members will not contact the Lead Scientist or other Science advisors individually concerning BDCP matters. Similarly, Science Advisors (including the Lead Scientist) will not communicate with the Steering Committee or its representatives during their deliberative process except through the Facilitator.

Science Advisors (including the Lead Scientist) will be free to directly contact other members of the scientific community during the information gathering phase of the process for the purposes of obtaining existing data or other materials needed to inform their deliberations. To encourage informative deliberations, and for allow for transparency and recording of information sources, Science Advisors shall track their contacts with other scientists regarding BDCP matters, explicitly report the use of any such unpublished information in the science advisory reports, and provide the Facilitation Team with a summary of their interactions.

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The Facilitation Team will ensure that all Science Advisors understand their roles pursuant to the NCCP Act. Science advisor recommendations are advisory only and not binding on the Steering Committee, member agencies, or consultants involved in NCCP/HCP preparation. Recommendations from the Science Advisors will be made available to the public after distribution to the Steering Committee.

Communications regarding the Science Advisors should be directed to the Steering Committee Chair or her designee or to Bruce DiGennaro (bruce@essexpartnership.com, 401-709-2449) as the designated points of contact for the Steering Committee and Facilitation Team respectively.

3. Workplan

The Facilitation Team proposes a workplan for engaging science advisors in the BDCP process that is tailored to meet the specific needs of the BDCP while providing focused and timely advice consistent with the requirements of the NCCP Act. The proposed workplan is described in Attachment 1 and shown graphically in Figure 1. The workplan includes topically focused interactions with the Steering Committee to facilitate input, as well as discrete deliverables designed to advance the planning process.

4. Process for Selecting Advisors

The Facilitation Team will be responsible for engaging Science Advisors, after appropriate input from the BDCP Steering Committee and Lead Scientist. Key steps in identifying and selecting Science Advisor shall include:

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1. Development and review of Areas of Expertise
2. Nomination of potential Science Advisors
3. Selection and contact of Science Advisors

The BDCP Steering Committee, with input from the Facilitation Team and Lead Scientist, will create a “long-list” of science advisor candidates that possess appropriate expertise and qualities and that fit into the identified Areas of Expertise. The Facilitation Team will work with Steering Committee and the Lead Scientist to identify any potential conflicts of interest and to develop a “short list” of candidates based on expertise, experience, proven ability to work well with groups, and ability to contribute useful information on schedule. Using the short list, the Facilitation Team and the Lead Scientist will make initial contact with candidates to determine their interest and availability to serve. Once the Facilitation Team has assessed advisor interest, they will formally invite the science advisors into the process on behalf of the Steering Committee.

To the degree feasible, the Science Advisors will be balanced in terms of the following factors, keeping in mind that adequate coverage of key areas of expertise is the primary criterion:

- local, regional, and national perspectives
- species-specific expertise vs. more holistic ecosystem and conservation planning viewpoints
- previous independent science advisory experience

Final recommendations regarding the selection of advisors shall be made by the Facilitation Team. If there is not consensus among Steering Committee members, the Facilitation Team will make a final decision to ensure that there is no actual or perceived influence by the Steering Committee, consultants,

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Lead Scientist or other parties concerning the final composition of the group. The Facilitation Team can replace or supplement the initial group of advisors if need arises during the process. The Facilitation Team will establish appropriate agreements and arrangements for honoraria with individual advisors. The timeframe for selecting advisors is outlined in Attachment 1 (Proposed Workplan).

5. Process for Identifying Issues and Developing Questions

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To help focus the Science Advisor's input, and to ensure the full range of pertinent scientific issues are addressed, an initial list of science questions will be developed by the Facilitation Team, in consultation with the Lead Scientist and the Steering Committee. The initial list of science questions will be provided to the Steering Committee for review and comment. Advisors may identify additional questions to address during their deliberations.

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The Facilitation Team, in consultation with the Lead Scientist, will be responsible for channeling pertinent questions from the Steering Committee to the Science Advisors and communicating answers back to the Steering Committee, or ensuring that they are incorporated into the Science Advisors' work products. Questions to the Science Advisors will be addressed only if they are directly relevant to NCCP/HCP conservation goals and objectives. The Science Advisors will not make value judgments about policies, procedures, laws, economic costs, or societal values. However, it is appropriate for them to objectively address scientific implications of how policy decisions might affect biological resources, such as covered species populations or habitats, as well as how scientific information will be used.

6. Development of Work Products

The Facilitation Team will be responsible for coordinating development of Science Advisor work products. The Facilitation Team will work with the Science Advisors, including the Lead Scientist, to identify writing assignments and track completion of those assignments. The Facilitation Team will work with the Lead Scientist to compile and edit material from the Advisors to ensure that their products are understandable to a broad audience and meet the requirements of the NCCP Act. The Facilitation Team will also ensure that the products reflect the consensus of advisors wherever possible, or to clarify any areas of disagreement or scientific uncertainty that remain.

A draft Guidance Report will be prepared following the science advisor workshops. The draft will be distributed to the Steering Committee for review and comment prior to being finalized for public release. The purpose of this review is to identify any factual errors or portions of the report that may require additional clarification, and not to influence the substance of the report. In no case shall the Facilitation Team allow for the Steering Committee or any other parties to influence the nature of the scientific recommendations in the report, which must substantially reflect the consensus recommendations of the Independent Science Advisors. The Facilitation Team, in consultation with the Lead Scientist, will review comments provided by the Steering Committee and work with Science Advisors to make appropriate adjustments and produce a final Guidance Report.

7. Conflict of Interest

Individuals currently under contract to member agencies of the Steering Committee for work related to the BDCP will be precluded from serving as Science Advisors. At the outset of the process, all selected Science Advisors will be required to disclose for the record any activities they are, or have been, engaged in within the past three years in the Delta, including research projects, as well as any financial affiliations they may have with members of the Steering Committee. Service as a BDCP Science Advisor shall not preclude the pursuit of future grants or research related to the Delta.

ATTACHMENT 1

PROPOSED WORKPLAN FOR INDEPENDENT SCIENCE INPUT

The following outlines a proposed workplan for obtaining independent, timely, focused science input for the BDCP process. The workplan is organized over time as described below and shown graphically in Figure 1.

Initial Planning (by End of June 2007)

Initial planning for science advisor engagement. Specific tasks will include the following:

- (a) the selection of advisors;
- (b) initial written guidance for the scientific input process and
- (c) framing science questions.

Deliverables:

- Guidelines for Scientific Input
- Identification and selection of Science Advisors
- Science Questions

Steering Committee Engagement:

- Meeting #1 – June 1, 2007; Review proposed plan and solicit input on areas of expertise and potential science advisors.
- Meeting #2 – June 15, 2007; Discuss science questions.

Initial Engagement (by September 2007)

The Science Advisors will be convened to participate in topically focused workshops. The exact number and focus of each workshop will be determined based on discussions with the Steering Committee and the Lead Scientist regarding the development of Science Questions (which will be used to frame the advisor discussions). Potential topics may include broad principles for guiding preparation of the Conservation Plan, as required by the NCCP Act. The exact timing of the workshops will be influenced by the availability of the selected Science Advisors.

Deliverables:

- Workshop Summaries
- Draft Guidance Report(s) containing Science Advisor observations and recommendations
- Final Guidance Report(s)

Steering Committee Engagement:

- Meeting #3 – TBD: Review initial workshop observations and recommendations
- Meeting #4 – TBD; Meet with Lead Scientist to discuss Guidance Report(s)

Later Engagement (2008)

Recognizing that additional science input on specific issues such as adaptive management and monitoring may be needed once a conservation strategy has been selected, the Facilitation Team recommends that the Steering Committee commit to a second engagement of Science Advisors in 2008. This additional independent scientific input could be used to advance discussion on specific elements of the selected conservation strategy (e.g., management and monitoring principles) as the well as the design of potential near-term conservation actions while longer-term investment strategies mature. The second engagement would also allow for advice regarding new information that may emerge after the initial engagement.

Deliverables:

- Input on specific issues or plan elements

Steering Committee Engagement:

- Meeting #5 – TBD: Review additional observations and recommendations
- Meeting #6 – TBD; Meet with Lead Scientist to discuss input